

RECEIVED
CENTRAL FAX CENTER

Patents

NOV 08 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Bertram et al.)	Art Unit: 3629
)	
Serial No. 09/708,890)	Examiner: J. Ouellette
)	
Filed: November 8, 2000)	
)	
For: Method and System for Providing)	
Dynamic and Real-Time Air Travel)	
Information)	

**SECOND SUPPLEMENTAL DECLARATION OF PRIOR INVENTION
PURSUANT TO 37 C.F.R. § 1.131**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, being duly warned, hereby declare and say:

1. We, Jeffrey Mark Bertram and Albert Edward Houck, III, are named as joint inventors in the above-identified application.

2. The present application has been assigned to the current and sole assignee, Delta Air Lines, Inc. ("Delta"), as evidenced by Reel 011316 and Frame 0146 of the recordation records at the U.S. Patent and Trademark Office.

3. We, Jeffrey Mark Bertram and Albert Edward Houck, III, (collectively "the inventors") were employed by Delta at the time of the filing of the present application.

Serial No. 09/708,890

4. Jeffrey Mark Bertram was a manager for customer service programs at Delta at the time of filing the present application.

5. Albert Edward Houck, III was a manager at Delta Technology, a subsidiary of Delta, at the time of filing the present application.

6. We, Jeffrey Mark Bertram and Albert Edward Houck, III, were hired by Delta and Delta Technology to, among other duties, create the invention described and claimed in the present application.

7. In the fourth and final Official Action, mailed September 7, 2004 in connection with the present application, the Examiner relies on the following references, either alone or in combination, to make various rejections of the pending claims:

i. "American Airlines Unveils New Passenger-Oriented Gate Information Display System at O'Hare International Airport," American Airlines Press Release, April 3, 2000;

ii. Published U.S. Patent Application No. US 2001/0032121 A1 to Le, claiming a priority date of December 8, 1999;

iii. "Northwest Airlines E-Service Centers Make Holiday Travel Easier at Hartsfield International," Northwest Airlines Press Release, December 23, 1999; and

iv. Published PCT Patent Application No. WO 95/27949 A1 to Ross, filed April 12, 1995.

The Examiner relies on the Ross published application only in combination with the other references to reject certain claims.

8. We, Jeffrey Mark Bertram and Albert Edward Houck, III, conceived the inventions recited by the claims of the present application in the United States prior to December 8, 1999, the earliest date of the references, other than the Ross published PCT application.

Serial No. 09/708,890

9. Exhibits A through H attached to this supplemental declaration are evidence showing that we, Jeffrey Mark Bertram and Albert Edward Houck, III, conceived the invention recited in the claims of the present application prior to December 8, 1999 and diligently reduced the invention to practice.

10. The technology disclosed in the present application is generally referred to at Delta as the Gate Information Display System (GIDS). The inventors originally referred to GIDS as a Customer Information Display. Meeting notes dated August 26-27, 1997 reflecting content topics for information to be displayed to passengers at a gate location are attached hereto as Exhibit A. For example, the inventors contemplated displaying flight information, boarding information, standby lists, and other information at a gate to assist the boarding process. Exhibit A, p. 3. These meeting notes specifically refer to displaying individualized standby information indicating names of passengers that have cleared standby and those "who might not make the flight." Exhibit A, p. 5.

11. A diagram, dated August 11, 1997, illustrating the subsystems that provide passenger-specific information to the GIDS is attached as Exhibit B. The passenger-specific information to be displayed on the GIDS according to this diagram includes flight legs, standby information, boarding announcements, destination weather, and advertising. Exhibits A and B fully support the functional and structural components recited in independent Claims 18, 31, 41, 48, 54, 66, 70, 73, 76, and 79 for displaying passenger-specific data including passenger standby information.

12. The development of GIDS was part of a larger system-wide project at Delta. As the diagram in Exhibit B illustrates, Delta undertook to transform legacy systems that operated on a "query/response" basis to dynamic systems that delivered information on a "real time" or "near real time" basis. Exhibit B shows the legacy systems on the left-hand side and dynamic systems on the right-hand side of the diagram.

Serial No. 09/708,890

13. Delta worked with a company by the name of TransQuest, Inc., the predecessor to Delta Technology, to assist with the implementation of GIDS. Exhibit C is a TransQuest Project Initiation Document, dated September 4, 1997, stating that GIDS will have "the capability to display the passenger names on the standby list," "[s]eats available," and "any passenger names who have been cleared." Exhibit C, ¶¶ 3, 4, 5. Exhibit C further supports displaying passenger-specific information as stated in independent Claims 18, 31, 41, 48, 54, 66, 70, 73, 76, and 79.

14. A large part of the development work in 1997 and 1998 involved upgrading Delta's infrastructure so that its systems could support the delivery of passenger-specific information to passengers. For example, Delta created new computing systems that could provide passenger and flight information dynamically to the GIDS located at each gate.

15. Other development work that took place in 1997 and 1998 included the creation of new databases so that passenger-specific information could be displayed on the GIDS and the design of software to operate the GIDS and to display information to passengers in an appropriate and understandable format.

16. Exhibit D contains development notes of Jeffrey Mark Bertram from approximately December 1998 through February 1999 concerning how the GIDS should display various pieces of flight and passenger information. Exhibit E contains development notes of Jeffrey Mark Bertram from approximately February or March 1999 concerning how the GIDS should display various pieces of flight and passenger information. Passenger information referenced in the notes in Exhibits D and E includes seat assignment, connection, and standby information as identified in the independent claims.

17. Exhibit F is a document dated June 16, 1999 containing inventor Jeff Bertram's notes from a meeting concerning the rollout of a prototype of the GIDS. The

Serial No. 09/708,890

notes identify information to be displayed on the GIDS including seating and standby information.

18. Exhibit G is a document created in approximately August of 1999 showing ongoing revisions to the text displayed to passengers on the GIDS.

19. We, Jeffrey Mark Bertram and Albert Edward Houck, III, further declare that we were reasonably diligent in reducing the claimed invention to practice. The GIDS was launched in a pilot program in late November 1999 at the Jacksonville airport. A copy of a marketing brochure describing the GIDS as it was launched at the Jacksonville pilot is attached as Exhibit H. The brochure illustrates standby and upgrade lists displayed with passenger-specific information including the passenger's first initial, first three letters of the last name, and rank number on the list.

[SIGNATURE PAGES FOLLOW]

11/05/2004 12:08 4047730885

ACS LEARNING

PAGE 02

Serial No. 09/708,890


20. Each inventor further declares:

All statements made herein of my own knowledge are true, and that all statements made on the information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements and the like so made may jeopardize the validity of this declaration, the subject application or any patent issuing thereon.

EXECUTION PAGE FOR JEFFREY MARK BERTRAM ONLY

EXECUTION FOR ALBERT EDWARD HOUCK, III ON NEXT PAGE

Respectfully submitted,


Jeffrey Mark Bertram

11 / 5 / 2004
Date

NOV-05-04 14:28 FROM:

TO: 404 572 5145

PAGE: 002

Serial No. 09/708,890

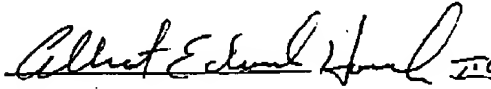
21. Each inventor further declares:

All statements made herein of my own knowledge are true, and that all statements made on the information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements and the like so made may jeopardize the validity of this declaration, the subject application or any patent issuing thereon.

EXECUTION FOR JEFFREY MARK BERTRAM
(SEE PREVIOUS PAGE)

EXECUTION FOR ALBERT EDWARD HOUCK, III ONLY (BELOW)

Respectfully submitted,



Albert Edward Houck, III

11/5/04
Date

K&S Docket: 16600.105005